

E-Filed on 12/3/08

3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-5996  
Facsimile (702) 949-8321  
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199  
Email: sfreeman@lrlaw.com  
Rob Charles NV State Bar No. 006593  
Email: rcharles@lrlaw.com  
John Hinderaker AZ State Bar No. 018024  
Email: jhinderaker@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>  
Debtors.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>1</sup>  
Case No. BK-S-06-10729-LBR<sup>2</sup>

**CHAPTER 11**

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING  
THIRD OMNIBUS OBJECTION OF  
USACM TRUST TO PROOFS OF  
CLAIM BASED UPON  
INVESTMENT IN THE PRESERVE  
AT GALLERIA, LLC LOAN; AND  
CERTIFICATE OF SERVICE**

Date of Hearing: January 22, 2009  
Time of Hearing: 9:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM  
THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR  
CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE**

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 26, 2007.

1 **PRESERVE AT GALLERIA, LLC LOAN BECAUSE THE USACM TRUST**  
2 **CONTENDS THAT YOU HAVE BEEN PAID IN FULL FOR YOUR**  
3 **INVESTMENT IN THAT LOAN. THIS OBJECTION WILL NOT IMPACT**  
4 **YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN A**  
5 **DIFFERENT LOAN.**

6 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**  
7 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS  
8 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**  
9 **SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING**  
10 **GROUP, LLC ((602) 424-7009) OR THE UNDERSIGNED COUNSEL.**

11 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed its  
12 Third Omnibus Objection to Proofs of Claim Based Upon Investment in the Preserve At  
13 Galleria, LLC Loan (the "Objection"). Your Proof of Claim number and other  
14 information regarding your claim is provided in **Exhibit A**, attached. The USACM  
15 Liquidating Trust has requested that this Court enter an order, pursuant to Bankruptcy  
16 Code § 502 and Bankruptcy Rule 3007, disallowing your Proof of Claim to the extent it is  
17 based upon an investment in the Preserve At Galleria, LLC Loan. The Objection will not  
18 impact your Claim to the extent it is based upon an investment in a different loan.

19 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held  
20 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley  
21 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on  
22 **January 22, 2009, at the hour of 9:30 a.m.**

23 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON JANUARY**  
24 **22, 2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**  
25 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**  
26 **HEARD ON THAT DATE.**

by January 14, 2009 pursuant to Local Rule 3007(b), which states:

If an objection to a claim is opposed, a written response must be filed and served on the objecting party at least 5 business days before the scheduled hearing. A response is deemed sufficient if it states that written documentation in support of the proof of claim has already been provided to the objecting party and that the documentation will be provided at any evidentiary hearing or trial on the matter.

pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: December 3, 2008.

LEWIS AND ROCA LLP

*Attorneys for the USACM Liquidating Trust*

December 3, 2008 to:

Parties listed on Exhibit A attached.

Lewis and Roca LLP